

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION (DETROIT)

In re:

Chapter 7

Ricky Carpenter,

Case No. 11-40544

Debtor.

Hon. Phillip J. Shefferly

**ORDER DIRECTING DOSHIA M. BANKS TO APPEAR
AND SHOW CAUSE WHY SHE SHOULD NOT BE REQUIRED
TO DISGORGE FEES PAID TO HER BY THE DEBTOR AND WHY
THE COURT SHOULD NOT IMPOSE OTHER REMEDIES AGAINST HER**

On January 10, 2011, the Debtor filed this case pro se. The Debtor filed a declaration (docket entry no. 16) stating that the Debtor did not have any help in preparing the documents for the bankruptcy filing, and stating that he did not pay anyone for help in connection with the bankruptcy filing. There is no declaration filed in this case by a non-attorney bankruptcy petition preparer pursuant to § 110 of the Bankruptcy Code. At a hearing held on February 25, 2011 on a creditor's motion for relief from the automatic stay, the Debtor appeared pro se. During the course of that hearing, the Court asked the Debtor if he had received any help in connection with this bankruptcy case, and he indicated to the Court that he had received help. Specifically, in response to the Court's questions, the Debtor informed the Court that the Debtor had received help from Doshia M. Banks, from an entity known as DMB Self-Help, located at 17515 West Nine Mile Road, Suite 980, Southfield, Michigan 48075. When the Court asked the Debtor whether he had paid any money to Doshia M. Banks, the Debtor informed the Court that he had paid \$266.00 before the bankruptcy petition, and that he had agreed to pay a monthly fee of \$266.00, although it was not clear for how long. At the conclusion of the hearing, the Court

ruled on the creditor's motion for relief from stay, but also indicated to the Debtor that the Court intended to look into the services provided by Doshia M. Banks to the Debtor and the amount of money that the Debtor had paid or agreed to pay to Doshia M. Banks.

The Court has now reviewed the Debtor's file, and has a number of concerns. First, the Debtor impressed the Court as sincere and credible in answering the Court's questions, yet the Debtor's declaration filed in this case does not indicate that the Debtor received any assistance or paid any money for any assistance in this case. Second, to the extent that the Debtor has paid \$266.00 to Doshia M. Banks, and agreed to pay additional sums, it appears to the Court that such payments may be recoverable from Doshia M. Banks because Doshia M. Banks may be a bankruptcy petition preparer, and the money paid in this case exceeds the maximum allowable fee chargeable by a bankruptcy petition preparer as fixed by this Court's April 20, 2010 administrative order no. 10-21. Third, based upon the Court's questioning of the Debtor at the hearing, it appears to the Court that there may also be violations of § 110 of the Bankruptcy Code by Doshia M. Banks. In view of all of these facts and circumstances, the Court has determined to enter this order directing Doshia M. Banks to appear at a hearing and show cause why she should not be required to disgorge the money paid to her by the Debtor, and why the Court should not impose other sanctions against her. Accordingly,

IT IS HEREBY ORDERED that Doshia M. Banks shall appear on March 21, 2011 at 10:00 a.m., before the Honorable Phillip J. Shefferly, in Courtroom 1975, 211 West Fort Street, Detroit, Michigan 48226, and show cause why she should not be required to disgorge any fee paid to her by the Debtor in this case and why the Court should not impose additional sanctions against her for her failure to file a declaration and signature of non-attorney bankruptcy petition

preparer as required by § 110 of the Bankruptcy Code, and for her failure to comply with administrative order no. 10-21.

Signed on February 25, 2011

/s/ Phillip J. Shefferly

Phillip J. Shefferly

United States Bankruptcy Judge